

MINUTES OF THE CARLISLE PLANNING BOARD

APRIL 8, 1996

PUBLIC HEARING: BALDWIN ROAD, SPECIAL PERMIT CONT. PUBLIC HEARING: MALCOLM MEADOWS, SPECIAL PERMIT

Present: Board members Richard Colman (chair), Bill Tice, Michael Epstein, Sally Duscha, John LaLiberte, Susan Yanofsky, Tara Hengeveld; Linda Fantasia (recorder)

The meeting was called to order at 7:30 p. m. at the Carlisle Education Center. The Minutes of the last meeting were not ready for review. Bills were approved.

1. PUBLIC HEARING BALDWIN ROAD - SPECIAL PERMIT FOR COMMON DRIVEWAY

The hearing was opened at 7:30 p.m. and Colman read the public notice that had been published in the Carlisle Mosquito on 3/22/96 and 3/29/96. Abutters were notified on 3/22/96 and return receipts received from all but one abutter. Present for the hearing were Scott Evans applicant, Jane Evans and Kenneth Evans owners, and Steve Pearlman on behalf the Trails Committee. The application is for a special permit for a common driveway under Section 5.4.4 of the Carlisle Zoning Bylaw to access three lots for two new single family houses and the existing farm house on parcels 10 and 10A at the end of Baldwin Road. The filing is a reapplication of a denial for a special permit issued by the Board on 1/22/96.

Evans explained that the two new ANR lots could have separate driveways. A common driveway however would benefit the town in that it will reduce the number of wetland crossings, provide safer access for emergency vehicles, fit better with the topography of the area, limit the amount of clearing thereby making the development less visible, and reduce potential traffic problems associated with entering and exiting separate driveways. The resubmission is basically the same as the first filing but includes a trail easement. The wording of the trail easement is yet to be determined. The Board provided Evans with a copy of town counsel's comments on the wording of a trail easement on Pine Meadows. Evans will review the wording for possible incorporation in the filing. In response to the Board's question on the safety issue of locating the common driveway at the end of a dead end road, Evans said that the ANR plan deals with these zoning issues. He sees the potential for a positive gain for the town through the use of a common driveway since unlike a private driveway it must be constructed according to plan specifications and is required to be maintained by the parties under a maintenance agreement.

The Board also questioned the location of the trail and whether it was intended to access Two Rod Road or the Flannery property. Evans pointed out that the plan shows the proposed location directed toward the Flannery property. The question of releasing the lots from 61A was discussed since only one of the lots is being transferred out. The Board felt the most likely answer was that a lot would lose its exemption when its use changes. Jane Evans said she had spoken with the Town Administrator about the notification process. The town has a right of first refusal on property coming out of 61A. Based on the current purchase and sale agreement, Evans said the Town Administrator did not believe the town is interested in purchasing the property without checking with town counsel. Epstein offered to check with the town administrator and Selectmen on the process and the town's plans. Colman noted that the plan calls for a cul-de-sac and asked about the radius. Evans said it was slightly larger than required. There will be no island. Colman also asked about the number of houses. Although only three are proposed, one of which is existing, under the Bylaw and a different configuration there could be six. The Board noted that the special permit is limited to three dwellings. More than this would violate the special permit. The Board confirmed that the PA received all required documents including the maintenance agreement.

Evans asked whether the Board would consider a conditional approval. He would like more time to review town counsel's comments. The Board agreed it would prefer to continue the hearing and Colman offered to poll the members as to any other outstanding issues. Duscha said she had not changed her mind and as a general principle would not vote for a common driveway at the end of a dead end road. In this instance two separate driveways might make it less affordable for a developer. Evans said that if there is a good market value to the lots, the developer will get a good return. Yanofsky said she is in favor of using common driveways to access two ANR lots. She views this as an improvement for the town particularly with regard to safety issues. Hengeveld, Epstein, LaLiberte and Tice are also in favor of the project. The Board noted that abutter Ralph Anderson submitted a letter in support of the common driveway.

The Board then asked for public comment. Steve Pearlman who lives at 377 Baldwin Road said he personally supports the request since it will eliminate a wetland crossing and appears to be a modest proposal. Speaking then on behalf of the Trails Committee of which he is a member, he said the Committee would like to see the trail easement which will run from Baldwin Road to the Flannery property. This is a good start in providing a connection to trails to Bellows Hill Road. The Trails Committee appreciates the Evanses' offer. Pearlman was concerned however on future control of the access easement when under new ownership. The common driveway ends at the two new houses. At this point there is an access easement designated on the plan. He submitted a proposal for a conditional easement applicable to the common driveway specifically stating that the trail easement could not be for public use unless another easement was provided at the end of the access easement to Two Rod Road. Jane Evans said she is considering this, but needs more detail on the location, use, width, etc. and does not want to delay the present hearing. There is a question that any future change in the use of the common driveway would require a new permit since it would be a change in who has access over the common driveway. Pearlman's proposal would provide for the easement but limit its use unless the remainder is granted by the Evanses. The Evanses have some concerns about public use of the driveway which is close to their house and does not yet connect to Two Rod Road. The Board suggested that the applicants and the trail committee work out a proposal for the Board's 5/13/96 meeting. If they can come to an agreement, this will alleviate concern over future changes in the use of the common driveway. Approving the conditional easement may not harm the present filing, but may not be enforceable. Legal aspects need to be addressed and the trail located on the plan. Language describing the trail and its use is not sufficient. It must be on the plan. Scott Evans was concerned about delaying the Board's decision. Colman again said that for this reason it is important for to have a final proposal in place for the next meeting. The Planning Board generally favors the granting of trail easements and hopes that something can be worked out.

The public hearing was continued to 5/13/96. (Corrected to 5/6/96).

2. PUBLIC HEARING CONT. MALCOLM MEADOWS. SPECIAL PERMIT FOR A SENIOR RESIDENTIAL OPEN SPACE COMMUNITY.

The hearing was re-opened at 8:35p.m. with Ron Peabody present for applicant Northwest Structures, Inc., Atty. Steven Graham, design engineers Rich Harrington and Joe March of Stamski & McNary, Inc., Ken Harte and Eunice Knight for the Malcolm Meadows Subcommittee and a number of abutters and interested parties. Harrington submitted three copies of a revised plan and then proceeded to explain how they addressed the Board's concerns following its preliminary findings.

A waiver from 3.14.5.7 for location of the proposed future trails in the open space is being requested. The layout will be provided at a later date. The trail head parking and driveway have been repositioned to keep the parking area on land under one owner, the Town of Carlisle. This location eliminates encroachment on the common area. A variance for a side lot line setback is still required from the Zoning Board of Appeals. Three signs have been located: conservation land, senior housing and trail parking. Based on discussion with the Fire Chief, the turn around has been widened to 18'. The access driveway remains 16'. LandTech reviewed the drainage calculations and agrees this will not result in a greater than 10% peak runoff rate. Minor engineering changes have been done to the parking area. Rear

elevation match lines and a revised landscape plan have been submitted. The proposed sight lines at the entrance exceed the 200' requirement for 30 mph speed limit with 235' provided on the right and greater than 300' provided on the right. The width of the access driveway to the trail parking lot is 12'. The Board then compared the new information with its 11/28/95 letter which outlined its preliminary findings.

Atty. Graham then addressed the non-engineering issues. He referred to the proposed language for construction of the trail parking and conveyance noting the change in ownership from the Conservation Foundation to the Conservation Commission. Graham further noted that if the required variance is not achieved by 12/31/96 the developer will not be required to construct the parking lot. This is to provide for the circumstance wherein a variance is not or cannot be granted. Language pertaining to exterior storage was also submitted. Graham explained that there are also additional revisions to the Trust to incorporate Board of Health conditions will be voted on by the Board of Health at its meeting of 4/9/96. The Deed has also been revised to specify the maximum number of bedrooms which is required by the state sanitary code.

With regard to handicap parking, Graham said the developer is willing to comply with the requirements of the American Disabilities Act (ADA) to the degree possible. To illustrate his point, he explained that it is not possible to line handicap parking slots on the proposed gravel parking area. He is concerned about the consequences of non-compliance through no fault of the developer. The Board agreed that the section could be reworded to state that trail parking "to the extent practicable will comply with all of the applicable laws, rules and regulations, including but not limited to laws, rules and regulations relating to handicapped parking and access." If the developer is not able to comply, the Board should be advised. Duscha said ADA accessible trails and parking are important for the town to have. Tice then questioned whether the Board wanted additional clarification of the outside storage limitations. He was concerned that items such as snow tires could be stored outside the units. The Board agreed that the phrase "accessories normally used for outdoor passive recreation" was sufficient in its intent without having to list specific items.

At this point Paul Finger of Beals and Thomas Inc. arrived at the meeting. Finger explained that his two goals were screening and addressing concerns of the abutters. He had met with the abutters onsite and prepared a landscape plan. The plan calls for native plants found in the area. As a follow up from a later meeting with the abutters, he submitted an addendum to the Board on 4/8. Instead of five crab apples, there would now be one Norway Spruce and four red oaks. He also added five Norway Spruce at the east side of the parking area to protect the residents view internally. A planting mound is also proposed. Some of the larger existing plants will be transplanted. If not successful they will be replaced with sizable specimens. Finger recommends locating plants in the field when the corners of the units are staked. This will provide the most accurate placement from the abutters' vantage points. Ken Harte said the Conservation Foundation prefers red oak over crab apples. Finger said this may be due more to esthetic than screening concerns. Yanofsky asked about the height of the berms and the level of screening provided. Finger said they could be higher but the modest 6:1 slope provides for a more pleasant land form. Spruces on the top will be greater than 10' to give added height. Flowering shrubs such as a flowering dogwood specimen which blooms late winter and viburnum will be placed facing the units for added attractiveness. Finger noted that the street is higher than the site. The trees on the berm will be above the first story level and in some places may screen the whole building. It is difficult to provide 100% screening from some of the abutters, so he is proposing two offsite hemlocks to screen the driveway and the impact of headlights.

Greg Felch, Stearns Street abutter, suggested additional screening with low shrubs near the trail. Basically he was pleased with the plan. Finger said that to screen the trail would require extensive plantings. Five additional shrubs would not increase the screening by much. He prefers the offsite plantings for this purpose. Abutter Debbie Webster asked about Norway spruce rather than red oaks. Finger said there would not be instant screening with the Norway Spruce. If existing plants cannot be used, new white pines would be planted backing up the pines with spruce. The screening is meant to have variety. The abutters present agreed with the plan as proposed.

Ron Peabody then addressed the Board. He agreed that it was a very good plan. He noted however, that the landscaping plan was for only ½ acre area. He had priced out the cost of the plants at \$17,265 without labor or machinery. He also noted that \$6,250 of this cost was for plants not on property owned by Northwest Structures. Northwest Structures has always viewed the project as a unique development and has aimed at keeping the units affordable. Add-ons result in the cost creeping up. He asked that the Board use prudence in reviewing the application. Colman asked what the actual difference in cost was from the original Sheet 7 landscape plan. Peabody said approximately \$14,400. Finger also noted that relocating the existing trees could cost \$7000. Larger specimens require larger equipment and more work. Peabody said he would like to see a \$10,000 cap and a \$5,000 donation from the Conservation Foundation. His company is willing to do the physical labor and supply the equipment. Harte asked whether reducing the height of the specimens would reduce the cost. Finger said the height makes a significant difference. The proposed plantings are much larger than typically required in municipal projects. Tice asked how fast the plantings grow. Finger said it would take two years to establish with a mature landscape in 15 years. Webster said she would prefer to not reduce the size of the plantings, but look to other changes for savings. Finger said he could trim back on the viburnum facing the units and make the plantings along the parking lot sparser. A 25-30% cut back could be achieved but the result would be more exposure. Yanofsky said she does not believe that the cost of a project should be a consideration of the Board, only whether it is a viable, reasonable project. Cost should be worked out by the developer and an increase in cost should not be used as a deterrent for the Board in its review. Eunice Knight suggested that smaller specimens establish and grow quicker than larger ones. Graham asked whether the Board would be happy with placing a \$10,000 limit on the screening and labor. Yanofsky again noted that the Bylaw requires a visual buffer, not a specific dollar figure. Epstein agreed that placing a dollar amount would be too restrictive. Peabody said he was willing to accept the plan as presented including the latest modifications and the Planning Board agreed.

The Board noted that all of the documents need to be reviewed by town counsel including the Deeds, Trust, Easements and Trail Parking Easements. The applicant is asking for a waiver under 3.14.5.7 in that the present plan does not locate the trails in the open space land. Town Counsel suggested that the Board retain final approval of trail locations and conveyance of the open space. Alex Parra of the Conservation Commission said this condition could be a burden which might jeopardize the self-help reimbursement from the State. Ken Harte then introduced Wesley Ward of the Trustees of Reservations (TOR) which will be a co-owner of the 11 acre open space parcel. Ward described why it would be difficult for the Board to retain final approval of the trail layout and management. Trails evolve through use and require flexibility. Trails can be extended, modified or even closed to allow a resting period. He suggested that the Board only need approve the initial layout and planning. Yanofsky said the intent of the bylaw is to determine how the trails will affect abutters and whether they are conveyed to an appropriate party. The Board prefers that the owners provide a management plan. The Board's role is to provide a general directive and this should be part of the public process. Duscha agreed adding that the specific location was not as important as providing for public use of Two Rod Road and a circular rather than dead-end trail system. Ward said TOR primarily acquire land for public use to be maintained in an attractive manner. Duscha again noted that the town would greatly benefit from an ADA trail system. The Board then took a poll on the request. Hengeveld felt the intent of the regulations was general use not a specific plan. Colman felt the Board should oversee the initial plan not the trail maintenance. Tice agreed. LaLiberte said the intent of the regulations is to ensure that the town or some other entity will preserve the open space. Colman suggested adding wording to require approval of the initial trail layout. Epstein suggested that if the condition interferes with the self help funds, there should be a severability clause. Wording was proposed to the effect that the Board acknowledges that the open space will be conveyed to the Carlisle Conservation Foundation and the Town, subject to the Planning Board's approval of the initial layout of the trails within the open space, and that if such condition should interfere with the proposed monetary grant from the Commonwealth of Massachusetts, the town in connection with such conveyance, the condition shall be of no force and effect and shall be eliminated from this special permit. Epstein will revise the condition and submit a draft to LaLiberte.

The Board then reviewed its checklist from letter dated 11/28/95 to the applicant: landscaping - provided; rear elevation - provided; drainage calculations reviewed and approved by Land Tech for a 16' road, 4' sidewalk and 18' cul-de-sac with peak rate runoff less than 10%; town counsel to review all documents; revised wording provided for proposed trails, parking and ADA compliance addressed; no waiver required for Sec. 3.13 (traffic study) since the Board has agreed that it is a non-issue; sight distances reviewed and approved; a \$4400 deposit to the 53G account received by the chair.

Duscha asked whether three separate signs are needed. She suggested adding the parking information to the Conservation sign since no one will see it at its proposed location. Harte said the purpose of separate signs is to distinguish trail from senior housing parking. The Board agreed that two signs would be sufficient. Tice suggested moving the Senior Housing sign back to the cut off and put the parking information on it.

Duscha asked about screening the septic system which is close to Two Rod Road. Tice suggested a natural vegetation. March said the design calls for meadow grass over the septic. March also noted that the ANR has not yet been submitted.

Duscha asked about the safety issues on lighting and screening of the parking lot. Chief Galvin submitted a letter stating they do not pose a public safety issue.

The Board then closed the public hearing and reviewed the list of waivers needed: sec 3.10 mitigation requirement; sec. 3.12 water balance calculations; sec. 3.13 traffic study not required; sec. 3.14.4. natural features and existing conditions plan; sec. 3.14.6 plan and profile requirements. Regarding additional required waivers, the Board agreed that a waiver from 3.14.5.7 is not required in that this section will be addressed with special language to be submitted by the applicant. Colman asked if the Board wanted to do a straw poll. The Board agreed to move the waivers.

Yanofsky moved that the Planning Board grant the following waivers from its SROSC Rules and Regulations: sections 3.10, 3.12, 3.14.4 and 3.14.6 as outlined in letter dated 11/28/95 referencing the Board's preliminary findings. Duscha seconded. Vote: 7-0. Motion carried.

LaLiberte stated that the Board's decision is subject to the final approval of the BOH and town counsel review of all documents. Duscha noted that in sec. 5.25 on the requirement to "maintain vegetation", the Building Inspector should be the enforcing officer, not the Planning Board. The Board agreed to substitute the terms.

Yanofsky said she was concerned about granting what she considers "conditional" approval subject to town counsel review. She asked if the Board should delay its vote until 4/22 in the interest of maintaining a better legal record. Jay Luby was concerned about the vote not occurring on 4/22 for some reason. Colman said two members will not be present for that meeting. The Board agreed to proceed with the vote.

LaLiberte moved that the Planning Board approve a Special Permit for a Senior Residential Open Space Community for Malcolm Meadows with specific findings as proposed and finds that the applicant meets the requirements of sec. 5.7.4.1 number of dwelling units; 5.7.4.2 total number of dwelling units does not exceed 3% of the total number of constructed dwelling units in the Town; sec 5.7.4.3 total tract is at least 10 acres; 5.7.4.4 width of any lot is at least 40 feet between the point of physical access on a way which is acceptable for frontage under Ch. 41 and any building containing dwelling unit; 5.7.4.5 entire senior residential open space community tract is separated from adjacent property by intervening open space; 5.7.4.6 open space constitutes at least 1.2 acres for every dwelling unit; 5.7.4.7 open space meets the criteria of 5.7.4.7.1 in that it preserves some component of Carlisle's farm community such as agricultural fields, and 5.7.4.7.2 it that it preserves areas of open meadow, woodland, water bodies or ecotone and 5.7.4.7.3 it that it creates or preserves vistas or buffer area; 5.7.4.8 open space is of such shape, size and location as are appropriate for its intended use; 5.7.4.9 open space does not include any

residential structures, or any appurtenant structures such as carports, septic systems, road, driveways or parking; 5.7.4.10 open space shall be conveyed to the Town of Carlisle for park or open space use or conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or conveyed to a corporation or trust composed of the owners of units within the Senior Residential Open Space Community; 5.7.4.11 access from a way of suitable width and location has been provided for the open space; 5.7.4.12 dwelling units of the Senior Residential Open Space Community will reflect in size and architecture the character of Carlisle single family residences; 5.7.4.13 each building in the Senior Residential Open Space Community has no more than four dwelling units, averaging no more than two bedrooms each and that no unit has more than three bedrooms, no dwelling unit measures more than 1400 square feet and no building measures more than 4800 square feet; 5.7.4.14 all residential buildings have safe access ways; 5.7.4.15 adequate provision for parking has been provided with two parking spaces per unit; 5.7.4.16 all residential buildings are located at least 100' from the boundary of the land subject to this special permit, and at least 50' from Open Space, and at least 30' from other residential buildings; 5.4.7.17 a homeowners association will be formed and will have the legal responsibility for the management and maintenance of the development; 5.4.7.18 provision has been made for each dwelling unit, subject to town counsel review, to have in residence at least one person who has reached the age of 62; 5.4.7.19 adequate fire protection has been provided; 5.4.7.20 all of the requirements of sec 7.2.1 of the Zoning Bylaw and Planning Board Rules and Regulations have been met; and further move that the special permit is subject to the Master Deed, Condominium Trust, Open Space Deeds and Easements documents review by town counsel and Board of Health approval and the Board further acknowledges and approves that the applicant has not proposed any trails within the Open Space pursuant to Section 3.14.5.7 of the Board's rules and Regulations provided that the Open Space will be conveyed to the Carlisle Conservation Foundation and the Town, as applicable, subject to the Planning Board's approval of the initial layout of the trails within the Open Space, provided further however, that if such condition should interfere with the proposed monetary grant from the Commonwealth of Massachusetts to the Town in connection with such conveyance, such condition shall be of no force and effect and shall be eliminated from this special permit. Motion seconded by Tice.

Discussion - Yanofsky asked how changes recommended by town counsel would be handled. Epstein said the revisions should also be subject to Planning Board review. Granting of the special permit is also based on the previously discussed revised language on trail parking (which now encompasses Parcel 1D and a portion of 1A) including the wording "to the extent practicable and otherwise comply with all other applicable laws, rules and regulations including but not limited to laws, rules and regulations relating to handicapped parking and access" and the landscaping plan designed by Beals and Thomas, identified as Sheet 7A including the modification dated 4/8/96. Vote: 7 -0. Motion carried.

3. OTHER BUSINESS:

PINE MEADOW ENDORSEMENT - the additional documentation was not received.

COMMON DRIVEWAY, LOWELL ROAD (SHIELDS) - the Board signed the two mylars. Joe March explained that the redlined mylar is not acceptable to the Registry so a clean copy was made. March will submit the mylar for Malcolm Meadows.

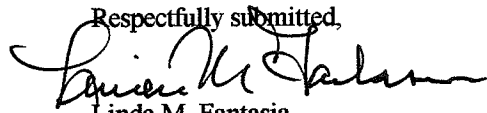
PERSONNEL BOARD LETTER - the PA will prepare the job description.

CLERICAL HELP - Colman will speak with Fincom about the need for clerical help, particularly for someone to take minutes.

TOWN MEETING - the Board may be asked to speak to some of the issues. This will be an agenda item on 4/22. A joint Board/Selectmen meeting is proposed for 4/30. At least one Board member should attend. Yanofsky asked to have growth management put on as an agenda item. The May meeting is on the 6th not the 13th which is town meeting.

There was no further business discussed. Meeting adjourned at 10:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda M. Fantasia", written in black ink.

Linda M. Fantasia
Recorder